

Message Text

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ACTION EB-08

INFO OCT-01 EUR-12 EA-12 ISO-00 CIAE-00 DODE-00 PM-05
H-02 INR-10 L-03 NSAE-00 NSC-05 PA-02 SP-02
SS-15 ICA-20 CAB-05 COME-00 DOTE-00 FAA-00 MCT-02
SY-05 ARA-14 NEA-10 IO-14 ACDA-12 TRSE-00 OMB-01
/160 W

-----012741 091425Z /45

R 091302Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 0951
INFO AMEMBASSY LONDON
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
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AMEMBASSY TOKYO

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E.O. 11652: N/A
TAGS: EAIR, GW
SUBJ.: CIVAIR - PRESS REACTION TO AUG 1 - 2 CONFERENCE
ON SUMMIT HIJACKING DECLARATION

(1) FRG PRESS COVERAGE OF THE AUGUST 1/2 MEETING OF
EXPERTS FROM THE SEVEN SUMMIT COUNTRIES ON THE
IMPLEMENTATION OF THE AIR HIJACKING DECLARATION HAS
GENERALLY BEEN LOW KEY, EXCEPT FOR ARTICLES IN "SUED-
DEUTSCHE ZEITUNG", A MAJOR DAILY AND AN EDITORIAL IN
"HANDELSBLATT", AN ECONOMIC TRADE PAPER. TRANSLATION
OF THE TWO AUG 4 STORIES FOLLOWS:

(2) SUEDEDEUTSCHE ZEITUNG, AUGUST 4, 1978

"EXPERTS DISCOVER LEGAL SNARES - CONVENTION ON
COMBATting TERRORISM MEETS WITH DIFFICULTIES
THE DECLARATION OF THE SEVEN HEADS OF STATE AND
GOVERNMENT AT THE BONN ECONOMIC SUMMIT TO COMBAT
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JOINTLY AIR PIRACY CAN ONLY OBVIOUSLY BE TURNED INTO
A CONVENTION WITH DIFFICULTY. THIS WAS THE RESULT
OF A FIRST MEETING OF EXPERTS FROM THE SEVEN COUNTRIES
DISCUSSING THE TEXT OF SUCH A CONVENTION. EXPERTS ON
INTERNATIONAL LAW AND AVIATION DISCOVERED SO MANY LEGAL
SNARES THAT THE GROUP WAS COMPELLED TO RECESS WITHOUT
ANY TANGIBLE RESULTS; ANOTHER MEETING LATER IN AUGUST

IS ENVISAGED. DIFFICULTIES WERE CAUSED PRIMARILY BY THE FRENCH, BUT THE DUTCH (SIC) AND ITALIANS ALSO VOICED MISGIVINGS. THE FEDERAL GOVERNMENT, HOWEVER, IS FIRMLY RESOLVED TO SECURE A STRICT IMPLEMENTATION OF THE DECLARATION OF INTENT.

IT IS THE AIM OF THE CONVENTION TO BOYCOTT ALL COUNTRIES WHICH GIVE REFUGE TO AIRCRAFT HIJACKERS AND NEITHER PROSECUTE NOR EXTRADITE THEM AND WHICH ARE ALSO UNWILLING TO RETURN THE HIJACKED AIRCRAFT. AIR SERVICE TO THESE COUNTRIES IS TO BE SUSPENDED IMMEDIATELY IN THE EVENT OF A HIJACKING AND AIRPORTS ARE TO BE CLOSED TO AIRCRAFT REGISTERED IN THE BOYCOTTED COUNTRY.

DURING THE FIRST SESSION OF EXPERTS IT BECAME EVIDENT THAT IT IS NOT SIMPLE AT ALL TO FIND A COMMON DENOMINATOR TO CREATE A LEGAL BASIS FOR THESE IDEAS. THE FRENCH PRIMARILY BARRICADED THEMSELVES BEHIND A WALL OF LEGAL MISGIVINGS; EXPERTS WITHIN THE FEDERAL GOVERNMENT, HOWEVER, BELIEVE THAT THESE ARE IN FACT MORE OF A FOREIGN POLICY NATURE. FRANCE IS STRIVING FOR GOOD RELATIONS WITH THE ARAB COUNTRIES AND TRIES TO AVOID CONFLICTS. THE PROPOSED BOYCOTT IS AIMED PRIMARILY AT ARAB COUNTRIES AS IT IS BELIEVED THAT THEY WILL CONTINUE TO BE A HAVEN FOR AIRCRAFT HIJACKERS. THE NATURE OF THE FRENCH OBJECTIONS HAS NOT BECOME KNOWN. IT APPEARS, HOWEVER, THAT THE EXPERTS FROM PARIS

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FOUND SUPPORT AMONG THE DUTCH AND ITALIAN EXPERTS. THE DUTCH EXPRESSED CAUTION ABOUT INCLUDING IN THE CONVENTION ANY PROVISIONS WHICH COULD FORCE A COUNTRY TO DETAIN HIJACKERS ON ITS TERRITORY IF THE AIRCRAFT MADE A REFUELLING STOP, I.E., NOT TO PERMIT A TAKE-OFF AFTER SUCH A LANDING. SUCH A PROVISION COULD LEAD TO A SITUATION WHERE COUNTRIES - EVEN IF THEY HAD NOTHING IN COMMON WITH TERRORISTS - WOULD REFUSE TO LET THE AIRCRAFT MAKE A TECHNICAL LANDING FOR FEAR OF A BOYCOTT, THUS ENDANGERING THE LIVES OF THE PASSENGERS. THERE ARE ALSO MEMBERS IN THE GERMAN DELEGATION WHO ARE CONCERNED WHETHER SUCH A BOYCOTT AGREEMENT CAN ACTUALLY BECOME EFFECTIVE. THEY FEEL IT WOULD HAVE TO BE DETERMINED WHETHER THE COUNTRY IN QUESTION IS REALLY PREPARED TO ACCEPT THE HIJACKERS AND REFUSE TO PROSECUTE OR EXTRADITE THEM BEFORE A BOYCOTT COULD BE INVOKED. IN THIS CONTEXT, GOVERNMENT SPOKESMAN KLAUS BOELLING SAID THAT IN SUCH A CASE, THE COUNTRIES PARTICIPATING IN THE CONVENTION COULD PRESENT AN ULTIMATUM TO THE COUNTRY WHERE THE HIJACKED AIRCRAFT HAD LANDED. THIS PROPOSAL WAS ALSO NOT WITHOUT DISPUTE AMONG THE EXPERTS. SO FAR, THERE HAS ONLY BEEN

AGREEMENT THAT IN THE EVENT OF A HIJACKING, CONSULTATIONS WOULD BE INITIATED AMONG THE COUNTRIES. THERE WAS FURTHER AGREEMENT THAT EACH COUNTRY WOULD

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SY-05 ARA-14 NEA-10 IO-14 ACDA-12 TRSE-00 OMB-01
/160 W
-----012740 091426Z /45

R 091302Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 0952
INFO AMEMBASSY LONDON
AMEMBASSY OTTAWA
AMEMBASSY PARIS
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ESTABLISH A "POINT OF CONTACT" TO WHICH ALL INQUIRIES WOULD BE CHANNELLED IN THE EVENT OF A HIJACKING.

SKEPTICS POINTED OUT THAT IT WOULD BE EASY FOR A COUNTRY TO AVOID THE BOYCOTT: A HIJACKER COULD BE PROSECUTED IN AN ARAB COUNTRY AND RECEIVE SUCH A LIGHT SENTENCE THAT THE DETERRING EFFECT WOULD BE PRACTICALLY ZERO. ALL IN ALL, IN THE OPINION OF BONN GOVERNMENT QUARTERS, THE MEETING OF THE EXPERTS WAS DISAPPOINTING. BUT THE FEDERAL GOVERNMENT IS DETERMINED TO PUSH FOR STRICT IMPLEMENTATION OF THE DECLARATION OF INTENT.
THE EUROPEAN CONVENTION FOR COMBATTING OF TERRORISM WILL ENTER INTO FORCE THIS FRIDAY. THE SIGNATORY STATES UNDERTAKE EITHER TO EXTRADITE OR PROSECUTE ANY

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TERRORIST. THE CONVENTION SO FAR HAS BEEN RATIFIED BY FIVE OF THE 20 MEMBER STATES OF THE COUNCIL OF EUROPE. IN AUSTRIA, SWEDEN AND THE FEDERAL REPUBLIC, THE CONVENTION WILL ENTER INTO FORCE TODAY, IN DENMARK ON SEPTEMBER 28 AND IN GREAT BRITAIN ON OCTOBER 25, 1978."

(3) HANDELSBLATT, AUGUST 4, 1978

"BOYCOTT AND ITS PRACTICAL APPLICATION"

YESTERDAY THEY ALL WENT FLYING HOME AGAIN: THE EXPERTS FROM THE UNITED STATES, CANADA, JAPAN, FRANCE, GREAT BRITAIN, ITALY AND THE NETHERLANDS (SIC) WHO HAD MET IN BONN TO DISCUSS THE PRACTICAL APPLICATION OF MEASURES ANNOUNCED DURING THE SUMMIT TO COMBAT AIRCRAFT HIJACKINGS. AT THE CONCLUSION OF THE TWO-DAY EXPERTS CONFERENCE IN BONN, GOVERNMENT SPOKESMAN BOELLING ANNOUNCED THAT THE REPRESENTATIVES OF THE SEVEN COUNTRIES AGREED ON A TELEPHONIC COORDINATION OF AN AVIATION BOYCOTT VIS-A-VIS COUNTRIES WHICH NEITHER EXTRADITE NOR PROSECUTE AERIAL PIRATES AND WHICH REFUSE TO RETURN THE HIJACKED AIRCRAFT. SUSPENSION OF AIR SERVICES IS TO BE PRECEDED BY AN APPROPRIATE THREAT OF SUCH A BOYCOTT.

IN THE FOREIGN OFFICE IN BONN, IT WAS LEARNED AFTER THE CONFERENCE THAT THE SEVEN STATES WILL NOW ENDEAVOR TO GAIN THE SUPPORT OF AS MANY COUNTRIES AS POSSIBLE FOR JOINT INITIATIVES AGAINST AIR PIRACY. AUSTRIA AND DENMARK HAVE ALREADY EXPRESSED THEIR INTEREST IN PARTICIPATING, WITH DENMARK UNDERTAKING TO PERSUADE ITS NEIGHBORING COUNTRIES SWEDEN AND NORWAY TO FOLLOW SUIT IN VIEW OF THE PARTNERSHIP OF THE THREE IN SAS. IN ADDITION, THE FEDERAL REPUBLIC WILL INVITE THE PARTICIPATION IN THE BOYCOTT PLAN OF THE FIVE EC COUNTRIES WHICH DID NOT ATTEND THE SUMMIT.

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SO FAR, SO GOOD. ONE CAN ONLY SAY THAT THIS INITIATIVE WAS OVERDUE BUT ONE SHOULD AT THE SAME TIME BE CAUTIOUS NOT TO ATTACH TOO MANY HOPES TO THIS MOVE. ON THE ONE HAND, THE PREFERRED AIRPORTS FOR HIJACKERS - NOT ALL WHICH WERE TERRORISTS - WERE COUNTRIES SUCH AS JORDAN, LIBYA, ALGERIA - AND LAST BUT NOT LEAST THE FEDERAL REPUBLIC ITSELF. THEORETICAL DECLAMATIONS ON JOINT ACTIONS AND THE PRACTICAL APPLICATION ARE ALREADY TWO DIFFERENT THINGS: ONE SHOULD TRY TO IMAGINE, FOR

INSTANCE, THAT A GROUP OF MOSCOW DISSIDENTS WOULD
SUCCEED IN HIJACKING AN AEROFLOT AIRCRAFT TO THE
FEDERAL REPUBLIC - WITHOUT INJURING OR KILLING ANYONE
ABOARD. WHAT WOULD THEN BE THE PUBLIC REACTION? WOULD
LUFTHANSA AND THE OTHER PARTNERS OF THE ECONOMIC
SUMMIT BOYCOTT OUR AIR TRAFFIC BECAUSE, WHILE THE

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SS-15 ICA-20 CAB-05 COME-00 DOTE-00 FAA-00 MCT-02
SY-05 ARA-14 NEA-10 IO-14 ACDA-12 TRSE-00 OMB-01
/160 W

-----012760 091426Z /45

R 091302Z AUG 78
FM AMEMBASSY BONN
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AEROFLOT AIRCRAFT COULD BE RETURNED HOME, THE DISSIDENTS
WOULD NOT BE EXTRADITED AND, UNDER THE PRESSURE OF
PUBLIC OPINION CELEBRATING THE "HEROIC DEED", WOULD
RECEIVE A NOMINAL PUNISHMENT ONLY - SIMILAR TO THE
SITUATION SOMETIME AGO IN ALGERIA INVOLVING JAPANESE
TERRORISTS?
ANOTHER EXAMPLE OF A NON-POLITICAL AIRCRAFT HIJACKING
WOULD BE A CASE SIMILAR TO NUMEROUS INCIDENTS YEARS
AGO WHEN AMERICAN COMMERCIAL AIRCRAFT WERE HIJACKED
TO CUBA, PRIMARILY FOR PAYMENT OF RANSOM; THE
QUESTION ARISING THEN WOULD BE TO WHAT EXTENT CUBA
WOULD BE AFFECTED BY A BOYCOTT OF AIRLINES WHICH

GENERALLY DO NOT SERVE THE COUNTRY ON SCHEDULED
SERVICES ANYWAY.
IT IS ALSO QUESTIONABLE HOW SERIOUSLY KHADDAFI IN
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LIBYA WOULD SUFFER, IF THE RELATIVELY LIMITED AIR
SERVICES BETWEEN HIS COUNTRY AND THE INDUSTRIAL
EUROPEAN STATES WERE NOT HANDLED BY THE FEW DIRECT
FLIGHTS BUT RATHER ON DETOURS VIA ALGERIA.
THE RESULTS OF SUMMIT TALKS TEND TO BE LOOKED UPON
THROUGH ROSE-COLORED GLASSES. AS IMPORTANT AS
INTERNATIONAL RESOLUTIONS AGAINST AIR PIRACY ARE, AND
THEY SHOULD HAVE BEEN BROUGHT ABOUT MUCH SOONER, WE
SHOULD BE VERY CAREFUL NOT TO CONSIDER THEM A CURE-ALL.
THE BEST PROTECTION REMAINS A NEVER CEASING ALERTNESS
AND AN INCREASING AUTOMATION OF CONTROL MECHANISM IN
ORDER TO REDUCE FURTHER DELAYS IN INTERNATIONAL AVIATION
IN THE HANDLING OF PASSENGERS, BAGGAGE, MAIL AND CARGO."
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRESS CONFERENCES, SUMMIT MEETINGS, DECLARATION, DECLARATIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BONN14483
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780325-1251
Format: TEL
From: BONN JOINT
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780880/aaaacolw.tel
Line Count: 301
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 73caea65-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1785353
Secure: OPEN
Status: NATIVE
Subject: :: CIVAIR - PRESS REACTION TO AUG 1 - 2 CONFERENCE ON SUMMIT HIJACKING DECLARATION (1) FRG PRESS COVERAGE OF THE AUGUST 1/2 MEETING O
TAGS: EAIR, GE
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/73caea65-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014